HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Misc. Application No.396 of 2006

1. Ranjit S/o Shri Pali
2. Shri Pali S/o Shri Triliki
3. Shri Toti S/o Shri Pali
4. Smt. Chhindo W/o Shri Pali
5. Shri Babu Ram S/o Shri Chokhe Lal
6. Smt. Ramwati W/o Shri Baburam
   All R/o Bagwara Bhatta
   Tehsil Kichha
   P.S. Rudrapur
   District U. S. Nagar ….. Applicants

Versus

1. State of Uttaranchal
2. Smt. Gauri W/o Shri Lakhhan Singh
   R/o Bagwara Batta
   P.S. Rudrapur, District U.S. Nagar….. Respondents

Sri V. D. Bisen learned counsel for the applicants.
Sri Amit Bhatt and Nandan Arya learned A.G.A. for the State.

Hon'ble J.C.S. Rawat, J.

1. The petition under section 482 Cr.P.C. has been filed for quashing order dated 03.05.2006 passed by the Chief Judicial Magistrate, Rudrapur, District U. S. Nagar in criminal case No.2459/2005. It has been further prayed that the Chief Judicial Magistrate, Rudrapur may be directed to permit the applicants to furnish surety/personal bond without moving a fresh bail application on the newly added section 307 IPC.

2. Brief facts of the case are that during the investigation the applicants have been enlarged on bail by the Chief Judicial Magistrate, Rudrapur under Sections 323, 147, 148, 452, 506 IPC. Thereafter, the I.O. has submitted the chargesheet under the aforesaid sections. The I.O. while submitting the chargesheet has also

added section 308 IPC. Thereafter, the Magistrate issued non-bailable warrant against the applicant vide order dated 03.05.2006. Feeling aggrieved by the order passed by the Magistrate, the present petition has been filed.

3. Learned counsel for the applicants contended that the applicants were on bail under sections 323, 147, 148, 452, 506 IPC and as such they may be granted bail in the subsequent section without filing fresh bail application.

4. Learned counsel for the applicants has relied upon a decision of Allahabad High Court in **Ugrasen Singh Vs. State of U.P. reported in 1993(30) ACC p/531.** Learned counsel for the applicants has also relied upon the decision of this Court in **Jamil Vs. State of Uttaranchal reported in 2005(3) U.C. p/1698.** In both the decision, it has been held that if a person is once granted bail in the minor offences, he need not to file fresh bail application for grant of bail in the subsequent sections and he will remain on bail on the earlier order.

5. In view of the discussion, the learned Magistrate is directed to permit the applicants to furnish fresh surety bond without requiring them to file fresh bail application.

6. The petition is disposed of accordingly.

(J. C. S. Rawat, J.)

Dated 09.06.2006

LSR